

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

**JOE LUIS VILLASANA,**

Plaintiff,

v.

**SUZANNE JORDAN, et al.,**

Defendants.

**No. CIV 24-399-RAW-JAR**

**OPINION AND ORDER**

Plaintiff has filed two “affidavits” (Dkts. 9, 10), alleging he is unable to pay the \$34.00 initial partial filing fee that was ordered on October 21, 2024 (Dkt. 5). Although he has not provided any documentation of his prison account(s), he claims his relatives no longer are sending him money, and he only receives monthly “gang pay” of \$20.00. He apparently is asking to postpone the filing fee payments until he receives monetary relief from this lawsuit.

The payment of the full filing fee is mandatory when “a prisoner brings a civil action or files an appeal *in forma pauperis*.” 28 U.S.C. § 1915(b)(1). Therefore, the filing fee cannot be waived. The prisoner, however, is permitted to make monthly payments, instead of paying the entire fee at the commencement of his lawsuit. *Id.*

After careful review, the Court finds Plaintiff’s initial partial filing fee should be reduced to **\$4.00**, which is 20 percent of his monthly gang pay income. *See* 28 U.S.C. § 1915(b)(1)(A). The initial partial filing fee is due within twenty-one (21) days of the entry of this Order. After payment of the initial partial filing fee, Plaintiff shall make monthly payments of 20 percent of the preceding month’s income credited to his prison account(s), until he has paid the total filing fee of **\$350.00**. *See* 28 U.S.C. § 1915(b)(2). Monthly payments collected from Plaintiff’s prison account(s) shall be forwarded to the Clerk of Court each time the account balance exceeds \$10.00, until the full \$350.00

filing fee is paid.

ACCORDINGLY, the Court's Order Granting Leave to Proceed *In Forma Pauperis* (Dkt. 5) is hereby amended to reduce Plaintiff's initial partial filing fee to \$4.00. The \$4.00 payment is due within twenty-one (21) days of the entry of this Order.

IT IS FURTHER ORDERED that the Clerk of Court send a copy of this Order to Plaintiff's custodian and the trust fund officer at his institution.

Dated this 12<sup>th</sup> day of December 2024.

A handwritten signature in cursive script, reading "Ronald A. White".

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RONALD A. WHITE  
UNITED STATES DISTRICT JUDGE